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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

March 29, 2020

Zachary Kweller, Esq.  
Farber & Company  
333 Hegenberger Road, Suite 504  
Oakland, CA 94621

RECEIVED  
APR 06 2020  
Pacific Workers'

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC  
WCAB No: ADJ12031731  
Claim No: 040519008736

Dear Mr. Kweller:

I am sending the attached correspondence to the QME regarding the Temporary Disability dispute.

If you should receive his report before I do, please forward a copy to me to avoid any further delays.

Kindest Regards,

COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:

  
AMY OLSON

AEO/mg

cc: Mario Castro/Chubb Group of Insurance Companies (Via Email Only)



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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

March 29, 2020

Dr. Adam Stoller  
1900 O'Farrell Street, Suite 190  
San Mateo, CA 94403

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731  
Claim No: 040519008736

Dear Dr. Stoller:

Thank you for your assistance in the above-referenced claim. I am requesting clarification on your opinion regarding Maximum Medical Improvement. You indicated that further diagnostics were necessary to determine whether any further treatment was indicated.

You stated that once the diagnostic workup is completed, and the appropriate treatment is offered, he should be examined for Permanent & Stationary status.

Do you agree that if the diagnostics do not indicate a need for further treatment, that Applicant is at Maximum Medical Improvement in accordance with Dr. Lang's May 28, 2019 report?

Furthermore, should Applicant decline any further treatment, do you agree that he would be at Maximum Medical Improvement as of May 28, 2019?

Kindest Regards,

COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:   
AMY OLSON

AEO/mg

cc: Mario Castro/Chubb Group of Insurance Companies (Via Email Only)  
Iana Zadneprovskaya, Esq./Farber & Company

1 AMY OLSON, SBN: 286524  
2 **COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP**  
3 201 Spear Street, Suite 1100  
4 San Francisco, CA 94105  
5 Telephone: 855-396-1220  
6 Facsimile: 415.278.9744

7 Counsels for Defendant  
8 administered by  
9 Chubb Indemnity Insurance Company

10 **WORKERS' COMPENSATION APPEALS BOARD**  
11 **STATE OF CALIFORNIA**

12 JONATHAN SHOCKLEY,

13 Applicant,

14 vs.

15 BIOTELEMETRY, INC. DBA CARDIONET,  
16 LLC; administered by CHUBB INDEMNITY  
17 INSURANCE COMPANY,

18 Defendant.

WCAB No.: ADJ12031731

**DEFENDANT'S OBJECTION TO  
DECLARATION OF READINESS TO  
PROCEED FILED BY APPLICANT'S  
COUNSEL**

19 **COMES NOW** defendant, Biotelemetry Inc, DBA Cardionet, LLC, through their counsel of  
20 record, Colantoni, Collins, Marren, Phillips & Tulk, LLP, and hereby objects to Applicant's counsel  
21 Declaration of Readiness to Proceed.

22 Defendant is in receipt of a Notice of Hearing dated March 27, 2020.

23 Defendant has yet to receive a copy of the Declaration of Readiness to Proceed, but based on  
24 recent discussions with Applicant's counsel, the hearing was requested to address Applicant's demand  
25 for Temporary Disability.

26 Defendant is currently requesting clarification from the QME regarding Applicant's Temporary  
27 Disability periods, by way of supplemental report. Defendant does not anticipate a response from the  
28 QME prior to the April 17, 2020 hearing.

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1           Wherefore defendant respectfully requests that the matter be taken off calendar until discovery  
2 on the issue has been completed.  
3

4 Dated: March 29, 2020

Respectfully submitted,  
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK,  
LLP

6  
7 BY:   
8 Amy Olson  
Counsel for Defendant

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VERIFICATION

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC  
WCAB No: ADJ12031731

I have read the foregoing **DEFENDANT'S OBJECTION TO DECLARATION OF READINESS TO PROCEED FILED BY APPLICANT'S ATTORNEY** and know its contents.

☐ CHECK APPLICABLE PARAGRAPH

- ☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☐ I am ☐ an officer ☐ a partner ☐ a Click here to enter text. of a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for and on behalf of that party for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☒ I am one of the attorneys for Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC; administered by Chubb Indemnity Insurance, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on March 30, 2019 at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Amy E. Olson



Sign Name

COLANTONI COLLINS LADERA RANCH  
SECRET MARQUEZ  
855-396-1220 124  
MAIL-LR@CCMPT.COM

**PROOF OF SERVICE BY MAIL**  
**JONATHAN SHOCKLEY v. BIOTELEMETRY, INC. DBA CARDIONET, LLC**  
**WCAB NO. ADJ12031731**

I, Maria Garcia, declare as follows:

I am over the age of 18 years, and not party to this action. My business address is 555 Corporate Drive, Suite 205, Ladera Ranch, CA 92694, which is located in the county where the mailing described took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On, **April 1, 2020**, at my place of business at San Francisco, California, a copy of the following documents:

- **DEFENDANT'S OBJECTION TO DECLARATION OF READINESS TO PROCEED  
FILED BY APPLICANT'S ATTORNEY DATED 03/29/2020.**

were placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to:

Workers' Compensation Appeals Board  
1515 Clay Street, 6th Floor  
Oakland, CA 94612-1519  
**[E-FILED]**

***Via Email Only***

Mario Castro  
Chubb Group of Insurance Companies  
PO Box 42065  
Phoenix, AZ 85080

Iana Zadneprovskaya, Esq.  
Farber & Company  
333 Hegenberger Road, Suite 504  
Oakland, CA 94621

Jonathan Shockley  
1000 Sutter St, #123  
San Francisco, CA 94109

///

1 Employment Development Department  
2 P.O. Box 1857  
3 Oakland, CA 94604

4 and that envelope was placed for collection and mailing on that date following ordinary business  
5 practices.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
7 true and correct. Executed on **April 1, 2020**.

8  
9 By:   
10 Maria Garcia  
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